IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Criminal Revision No. 489 of 1998
Date of decision : January 24, 2008

Smt. Laxhmi Devi Khater Vs. State of Punjab and others

Criminal Revision No. 489 of 1998

Noratan Mal Khater Vs. State of Punjab and others

CORAM: **Hon'ble Mr. Justice Kanwaljit Singh Ahluwalia.**

Present: None for the petitioners.
Mr. Mehardeep Singh, AAG, Punjab.
Mr. Akshay Bhan, Advocate, for the complainant.

K.S. Ahluwalia, J. (Oral)

Primary grievance in both the aforesaid petitions was issuance of warrants of arrest, though it has also been prayed that the summoning order, whereby the petitioners have been summoned to face trial be set-aside.

Judicial Magistrate 1st Class on 22-4-1997, as is reflected in his order, examined one PW, perused the complaint and the accompanying documents and came to the conclusion that prima facie case under section 138 of the Negotiable Instruments Act was made out and summoned the accused-petitioners to stand trial.

On 6-2-1998 an application was moved seeking exemption of personal appearance on the ground of illness. The Court had observed that the execution of warrant could not be stayed until the accused cause appearance. On 3.4.1998 warrants of arrest were issued.

The present revision petitions were admitted on 19-5-1998, staying operation of the impugned order.

In the order of admission, there is no reference to the orders. It seems that only order of arrest was stayed. Since then 10 years have elapsed. The trial in the case may have been concluded by now. If this order has been construed for stay of the complaint, then also grave injustice has been caused to the complainant.

In the interest of justice, it is directed that the warrants of arrest will not be executed and in case the petitioners appear before the trial Court, they will be released on bail and in case the trial has not been concluded so far, the same shall proceed in accordance with law.

With the aforesaid observations, both the revision petitions stand disposed of.

[Kanwaljit Singh Ahluwalia]
Judge

January 24, 2008.
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